Exhibit 15

[redacted]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,	(	CAUSE NO. 2:21-CV-463-JRG
Plaintiff,	)	
vs.	)	
SAMSUNG ELECTRONICS CO., LTD., et al.,	)	MARSHALL, TEXAS
Defendants.	)	MARCH 28, 2023
	)	9:00 A.M.

VOLUME 1

PRETRIAL CONFERENCE

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE

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THE COURT: Be seated, please.

This is the time set for pretrial matters before the Court in the case of Netlist, Inc., versus Samsung Electronics Company, Ltd., et al. This is Civil Case No. 2:21-CV-463.

The Court will ask for announcements at this time. What says the Plaintiff?

MS. TRUELOVE: Good morning, Your Honor. Jennifer Truelove here for Plaintiff. With me today at counsel table, we have Mr. Jason Sheasby, Ms. Yanan Zhao, and Mr. Michael Rosen.

We are ready to proceed.

THE COURT: Thank you.

What's the announcement for the Samsung Defendants?

MS. SMITH: Good morning, Your Honor. Melissa Smith on behalf of Samsung.

I have many people in the courtroom that have joined me today, but what I'd like to do is introduce Your Honor to those that will be arguing today on behalf of Samsung in the order of argument: Mr. Ruffin Cordell, Mr. Mike McKeon, Ms. Lauren Degnan, Dr. Frank Albert, Mr. Brian Livedalen, Mr. Matt Colvin, Mr. Matthew Mosteller, Mr. Tom Reger, and in the back Ms. Katherine Reardon.

Your Honor, we also have a client representative in the courtroom today, Mr. Michael Nguyen, and we're ready to proceed, Your Honor.

So we're in this kooky world, and I guess I can deal with this on cross-examination, but time is pretty limited, where Mr. Meyer says these people told me these are non-infringing alternatives.

THE COURT: I gave you more time than you asked for to try the case.

MR. SHEASBY: Yeah.

THE COURT: You asked for 12 hours, and I gave each side 12 and a half. So don't tell me time's limited. If it's limited, maybe the case is too big.

MR. SHEASBY: Well, I think the case is just right in size, Your Honor.

Anyways, I don't want to pretend -- I don't want to give you a sob story. I can sort of cross them aggressively on this. But it is a point whether should you be able to put on an expert to say, oh, there's all these non-infringing alternatives where the technical people admit they didn't do that analysis and where the interrogatory response is -- is not disclosing that.

I did want to go on to the next issue which is references to other litigations and IPRs. I don't believe that has any relevance in this case, and I think it should be excluded. And I won't belabor that point any more. I think that's consistent with the other rulings. They talk about a number of litigations that -- that don't relate to any of the patents

in this case, and they shouldn't be discussed.

They talk about *inter partes* reviews that the patents have been initiated on. He has a document where he lists the number of times patents have been asserted in litigation. Once again, that would violate the Court's MIL, and I don't think has any appropriate role in front of the jury.

JEDEC contributions. This is -- we have no problem with Mr. Halbert getting up and saying, oh, there's JEDEC contributions, there's a ton of contributions. What we do have a problem with is that Mr. Meyer puts a type of rigor to it in which he uses the number of generic contributions made across these standards as a metric to assess the value of these individualized patents. And there's no nexus there because Mr. Halbert did not create a nexus between the specific areas of technology and the patents.

So Mr. Halbert can say all he wants about JEDEC. But to add a level of precision where the jury is told, you should think about the 10,000 contributions that are made to JEDEC for these entire standards when you value these patents, that adds a level of precision that is deceptive because it's not tied to either the technology at issue nor is it tied to the exact patent.

So I want to draw a distinction. What Mr. Halbert can say, he can say. For Mr. Meyer to use that as a damages tool when there's no connection between the patents or accused

products, that's a bridge too far.

The references to Micron, Intel, and SK hynix investments, I -- I don't really know how to -- how to address this. In a hypothetical negotiation, Mr. Meyer is presuming that the parties would take into account the amount of money invested by two separate third parties for which there's no evidence that they contributed any of the technology that's specifically related to these cases.

And that strikes me as -- as a really dangerous precedent to set in the hypothetical negotiation for you to start speaking about third-party products.

The next issue is confidential settlement discussions. If we write a letter to Samsung that's a settlement offer, that settlement offer has no place in front of a jury. That's the whole purpose of FRE 408 and things fall down. Samsung in their surreply brief suggests there's a well-known exception to JEDEC-RAND issues. There's no RAND issues in this case, and there was no exception in our letter.

So I don't believe it's appropriate for them to inject settlement communications into this case, and it would I think significantly damage the -- sort of the integrity of the process if we had to be aware of that.

References to the 2017 ITC action, there is an analysis that was done about a FRAND offer that we made in the *SK Hynix* case for a separate set of patents that related to LRDIMM.

THE COURT: Let's make it brief, Mr. Sheasby.

MR. SHEASBY: So there are two separate agreements. If you go to slide 35.

This is the proposal that was made in 2000 -- while this lawsuit is ongoing that is subject to FRE 408 that did have a $6 offer in it. That is ultra vires. It's FRE 408 and shouldn't be allowed. There's just a confusion, and I don't think it was intentional.

There is another $6 FRAND offer that was made on LRDIMMs back in 2017 that was before the patents at issue had even issued that was made to SK hynix as part of a FRAND offer and because those patents were being asserted as standard essential patents. I don't attribute any ill will to it.

There's two separate $6 offers. One was an FRE 408 in 2022, and one of them was this FRAND negotiation that was done for standard essential patents, none of which were the patents at issue in that case. And I just want to clarify that for the Court.

THE COURT: All right. Thank you.

All right. With regard to Document 214 and the numerous subparts in Plaintiff's motion to strike portions of the expert's rebuttal report tendered by Paul K. Meyer, I'll try to address these in order which they were set forth in the briefing.

With regard to the Meyer market comparables approach,

which is identified as paragraphs 289 through 305 of Mr. Meyer's rebuttal report, I'm going to grant the motion and strike those paragraphs. I think they do fall within the purview of *Apple versus Wi-Lan* and they are probably not reliable in light of that and other precedent.

With regard to the references to RAND, I'm going to grant that portion of the motion as we've established beyond doubt today there are no standard essential patents at issue in this case. Therefore, any mention of a RAND contractual obligation would violate Rule 403 and be highly confusing and prejudicial with limited, if any, probative value.

With reference to the NIAs, I'm going to deny that portion of the motion.

With regard to the references to other litigation and IPRs, consistent with the Court's earlier discussed practices, I'm going to grant that. Again, I think that's mandated by a fair application of Rule 403 where there's considerable risk of prejudice and confusion and limited probative value.

With regard to the references to the alleged JEDEC contributions, I'm going to deny that portion of the motion. I believe this witness is entitled to respond to Mr. Kennedy's opinions. Particularly in that regard, I don't find anything in this section of his report that cannot fairly be addressed by Plaintiff through cross-examination and rises to the level of needing to be excluded.

That's going to be the Court's same ruling on the references to Micron, SK hynix, and Intel R&D investments. That portion is denied, can be fairly addressed by cross-examination.

With regard to the settlement discussions governed by Rule 408 and the particular letter that's been referenced in the argument today, I'm going to grant that. I do believe it falls under Rule 408. It's being used to disprove the amount of a disputed claim, and I think that's what the rule stands to protect against.

With regard to the expert analysis from the 2017 ITC action, I've made it clear earlier today that the ITC action is an adjudicatory process that has limited probative value and a high risk of confusion. I'm going to grant that portion of the motion, primarily on a 403 analysis.

With regard to the comparison of the patent damages to Netlist's market cap, I'm going to grant that. That's highly prejudicial and it's innately pejorative in the way it's presented.

With regard to the references to Samsung's patent portfolio, that's relevant and probative, and I'm going to deny the motion in that regard.

With regard to references to unaccused products, I think that can be fairly dealt with by cross-examination and I'm not going to exclude it. That's not going to preclude relevance

previously set on the 17th. Go back 10 days and you get to the 7th. We're now on the 14th. Go back 10 days, and you get to the 4th. So the first step in that process should be on the 4th and not the 7th. The second one should follow, what is it, three days later?

MR. CORDELL: Yes, sir.

THE COURT: That would put it on the 7th. So 4th and the 7th instead of 7th and the 10th.

All right?

MR. CORDELL: Thank you.

MR. SHEASBY: Thank you, Your Honor.

THE COURT: All right, Counsel. We stand in recess until tomorrow morning.

MR. SHEASBY: Thank you, Your Honor.

(The proceedings were concluded at 5:15 p.m.)